

REMARKS/ARGUMENTS

The Advisory Action mailed May 20, 2005, where the rejections of the Final Office Action dated March 17, 2005 were maintained, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim 1 has been amended to further particularly point out and distinctly claim the subject matter regarded as the invention. Support for these changes may be found in the specification, figures, and claims. The text of claims 2-8 is unchanged, but their meaning is changed because they depend from amended claims.

The 35 U.S.C. § 102 Rejection

Claims 1-5 and 8 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Marttinen (USP 4,452,383). This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

The Office Action states that “Marttinen teaches a strap system comprising a proximal strap 14, 19, 20, with two ends 18,21, a distal strap 16 with two ends joined to the proximal strap, curved pads 13, 15, and adjustable buckles 22.” Applicant respectfully disagrees for the reasons, among others, discussed below.

Amended Claim 1 provides for:

“A dual shoulder strap system for supporting loads at ones side comprising:

- a) a proximal strap having two ends, the proximal strap designed to be positioned on a first shoulder of a user; and
 - b) distal strap having two ends, the distal strap designed to be positioned on a second shoulder of the user,
- either of the two ends of the proximal strap being affixed to the distal strap in a position significantly away from the distal strap ends, whereby a shape is formed from a front-on view which may be described as a ‘y’ shape.”

Amended Claim 1 provides for a proximal strap designed to be positioned on a first shoulder of a user and a distal strap designed to be positioned on a second shoulder of the user. This is further illustrated in Figures 1A, 1B, 2A, 2B, 5A, 5B, 6A, and 6B.

As stated previously, Marttinen provides for a harness “which comprises a cushioned (13) shoulder belt 14, which passes from the breast of the planting person across the shoulder to the back side, as well as a cushioned 15 side belt 16, which passes from the breast side of the planting person across the right side to the back side.” (Col. 2, lines 35-42). Marttinen merely provides that one strap is positioned across one shoulder whereas the other passes from the right side to the back side of the user. Marttinen does not teach a “proximal strap designed to be positioned on a first shoulder of a user” or a “distal strap designed to be positioned on a second shoulder of the user” as claimed in amended Claim 1.

Furthermore, Marttinen provides that by “means of the above locations of the harness belts, the load caused by the weight of the plant on the frame 1 is distributed evenly between the left shoulder, right side, and the left hip. **As the shoulder belt 14 is placed on the left**

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

shoulder, the strains caused by a support belt, usually placed on the right shoulder, ... are avoided.” (Col. 2, lines 54-60). Thus, Marttinen teaches away from a dual shoulder strap system.

Accordingly, since Marttinen does not teach each and every element as set forth in Claim 1, it can not be said to anticipate the claimed invention. As to dependent claims 2-4 and 8, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. Accordingly, it is respectfully requested that this rejection be withdrawn.

The 35 U.S.C. § 103 Rejection

Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Marttinen in view of Moomaw (USP 2,915,233), among which claims 6-7 depend from claim 1. This rejection is respectfully traversed. The base claim being allowable, the dependent claims must also be allowable. Accordingly, it is respectfully requested that this rejection be withdrawn.

Request For Interview

Alternatively, Applicant's Attorney respectfully requests an interview with the Examiner Cronin before the next Office Action to expedite the prosecution of this application. This application has been pending since March 10, 2001 and we feel that an interview would be

helpful at this juncture. Attempts to call the Examiner were unsuccessful, thus Applicant hereby formally requests an interview.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

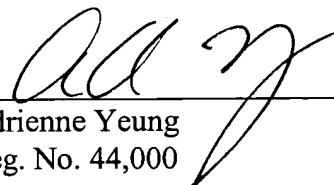
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account.

Respectfully submitted,

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Dated: June 17, 2005


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